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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,368	04/05/2004	David Lee Doskocil	233499-100007	2622

7590 06/30/2006  
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EXAMINER

LUPINO, GINA M

ART UNIT PAPER NUMBER

3652

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/817,368

Applicant(s)

DOSKOCIL, DAVID LEE

Examiner

Gina M. Lupino

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**I. Specification**

1. The Specification is objected to because of the following informalities:

- 1.1. In paragraph 5, line 7, "LaMoria" (U.S. Patent No. 5,460,473) is misspelled and should be spelled, -- LaMora --.

**II. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHIELS (U.S. Patent No. 4,673,328) in view of KOLLER (U.S. Patent No. 5,059,085) and HARRIS (U.S. Patent No. 5,288,197).

1.1. With respect to claim 9, SHIELS teaches a detachable level lifting trailer system with

1.1(a) A trailer

1.1(b) Cargo bed 16, and

1.1(c) Means for engaging the trailer and cargo bed 16, including

1.1(c)(i) a plurality of lifting rollers 18a -18d disposed to the trailer frame 10a-10c.

See column 3, lines 2-4.

1.1(c)(ii) a plurality of inclined channel tracks 12a - 12d disposed to the sides of the cargo bed 16,

1.1(c)(iii) a plurality of horizontal channel extensions having inclined channel tracks 12a - 12d, and

1.1(c)(iv) a means 32, 36 coupled to the trailer and cargo bed 16 for raising up the cargo bed 16 to a transporting position and lowering the cargo bed 16 to a ground position, where the included tracks and horizontal channel extensions 12a - 12d are sized to receive and guide the lifting rollers 18a - 18d. See Figures 1, 2 and column 3, lines 46-47.

1.1(d) However, SHIELS fails to teach side walls and hydraulic cylinders

1.1(e) HARRIS teaches a hydraulic cylinder 52 to lift a trailer bed. Therefore, it would have been obvious to one of ordinary skill in the art to modify the lifting means in SHIELS with the hydraulic cylinders of HARRIS in order to raise and lower the trailer bed.

1.1(f) KOLLER teaches side walls 5. Therefore, It would have been obvious to one of ordinary skill in the art to modify the cargo bed of SHIELS with the side walls of KOLLER.

1.2. With respect to claim 14, SHIELS teaches a detachable level lifting trailer system, as discussed above, with

1.2(a) A lifting means 32, 36 coupled to the tongue structure 26 of the trailer and a cargo bed 16 for raising up the cargo bed 16 to a transporting position.

1.2(b) However, SHIELS fails to teach a horizontal pull hydraulic cylinder.

1.2(c) HARRIS teaches a hydraulic cylinder 52 to lift a trailer bed. Therefore, it would have been obvious to one of ordinary skill in the art to modify lifting means in SHIELS with the hydraulic cylinders of HARRIS in order to raise and lower the cargo bed to a transporting position.

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2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHIELS (U.S. Patent No. 4,673,328) in view of KOLLER (U.S. Patent No. 5,059,085), HARRIS (U.S. Patent No. 5,288,197), and STANLEY (U.S. Patent No. 5,829,945)

2.1. With respect to claim 15, SHIELS teaches a detachable level lifting trailer system, as discussed above.

2.2. However, SHIELS fails to teach a plurality of spring loaded pin locks.

2.3. STANLEY teaches a roll-out tilt deck for a truck with a plurality of spring loaded pin locks 30 that are each able to extend into structural side members to retain a deck frame in a position. See Figures 1, 13, 15, 20 and column 2, lines 35-43.

2.4. Therefore, it would have been obvious to one of ordinary skill in the art to modify the trailer and cargo bed in SHIELS with the spring loaded pin locks of STANLEY in order to retain the cargo bed in a transporting position without a continuous pulling force from a hydraulic cylinder.

3. Claims 10, 11, 12, 13, 16, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHIELS (U.S. Patent No. 4,673,328) in view of KOLLER (U.S. Patent No. 5,059,085).

3.1. With respect to claim 10, SHIELS teaches a detachable level lifting trailer system, as discussed above, with

3.1(a) A trailer with a framed structure having

3.1(a)(i) an open end and an open space in the center. See Figure 1.

3.1(a)(ii) two parallel side frames 10a, 10c and a head structure 10b coupled to the parallel side frames 10a, 10c, and

3.1(a)(iii) a plurality of lifting rollers 18b, 18d disposed to the side frames 10a, 10c, and

3.1(b) A cargo bed 16 with two side members 10a, 10c having

3.1(b)(i) A plurality of inclined channel tracks 12a - 12d disposed to the side frame members 10a, 10c, and

3.1(b)(ii) A plurality of horizontal channel extensions each coupled to one of the inclined channel tracks 12a-12d. See Figure 1.

3.1(b)(iii) where each of the inclined channel tracks 12a-12d and side horizontal channel extensions 12a-12d are sized to receive one of the lifting rollers. See Figures 1, 2 and column 3, lines 46-47.

3.1(c) However, SHIELS fails to teach side walls.

3.1(d) KOLLER teaches side walls 5. Therefore, it would have been obvious to one of ordinary skill in the art to modify the cargo bed of SHIELS with the side walls of KOLLER.

3.2. With respect to claim 11, SHIELS teaches a detachable level lifting trailer system, as discussed above, where the lifting rollers 18a - 18d are disposed on the inner side of the side frames 10a, 10c.

3.3. With respect to claim 12, SHIELS teaches a detachable level lifting trailer system, as discussed above, where a lifting roller 18a-18d disposed near the open end of the trailer is capable of being at a position higher than that disposed near to the head structure. See Figures 1 and 2.

3.4. With respect to claim 13, SHIELS teaches a detachable level lifting trailer system, as discussed above, where the trailer has a tongue structure 26 coupled to the head structure. See Figures 1-3 and column 4, line 24.

3.5. With respect to claim 16, SHIELS teaches a detachable level lifting trailer system, as discussed above, where the side frames 10a, 10c are structure beams. See Figures 1-3.

3.6. With respect to claim 18, SHIELS teaches a cargo bed assembly for use with a level lifting trailer system, with

3.6(a) A cargo bed 16

3.6(b) A cargo head end

3.6(c) A channel end opposite to the cargo head end, and

3.6(d) A plurality of inclined channel tracks 12a-12d angled substantially at 45 degrees, where each of the inclined channel tracks 12a-12d

3.6(d)(i) are parallel to one another and disposed on the outer surface of the cargo bed 16 side,

3.6(d)(ii) couples to a horizontal channel extension disposed to the cargo bed side to receive a lifting roller 18a - 18d mounted on the trailer and guide the lifting roller 18a - 18d from the cargo head end of the cargo bed 16 and extending to the upper ends of the inclined channel tracks 12a-12d.

3.6(d)(iii) See Figures 1-3.

3.6(e) However, SHIELS fails to teach side walls.

3.6(f) KOLLER teaches side walls 5. Therefore, it would have been obvious to one of ordinary skill in the art to modify the cargo bed of SHIELS with the side walls of KOLLER.

3.7. With respect to claim 19, SHIELS teaches a cargo bed assembly for use with a level lifting trailer system, with

3.7(a) A horizontal channel extension coupled to an inclined channel track 12a-12d near to the cargo head end that is capable of having a lower position than the horizontal channel extension 12a-12d coupled to an inclined channel track 12a-12d near to the channel end. See Figures 1, 2.

3.8. With respect to claim 20, SHIELS teaches a cargo bed assembly 16 for use with a level lifting trailer system, as discussed above, with horizontal channel extensions.

3.8(a) SHIELS fails to teach a horizontal channel extension that has a larger opening near to the end of the cargo head end than that near to the end of the channel end.

3.8(b) However, it would have been obvious to one of ordinary skill in the art to modify the horizontal channel extensions of SHIELS with a larger opening near to the end of the cargo head end in order to facilitate engagement by the lifting rollers.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHIELS (U.S. Patent No. 4,673,328) in view of KOLLER (U.S. Patent No. 5,059,085) and SOBINA U.S. Patent No. 5,630,693).

4.1. With respect to claim 17, SHIELS teaches a detachable level lifting trailer system, as discussed above.

4.1(a) However, SHIELS fails to teach a leaf spring suspended on a plurality of quarter axles with pneumatic tires.

4.1(b) SOBINA teaches a leaf spring 35, 40 suspended on a projection. See Figures 1, 7.

4.1(c) Therefore, it would have been obvious to one of ordinary skill in the art to modify the detachable level lifting trailer system of SHIELS with the leaf springs of SOBINA.

### **III. Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina M. Lupino whose telephone number is (571) 272-6557. The examiner can normally be reached on 8:30am - 5:00pm EST.



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3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
5. GML

*Kathy Matecki*

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